	Application No.	Applicant(s)
Notice of Allowability	10/593,587	ALVAREZ AREVALO ET AL.
	Examiner	Art Unit	
	Andrew C. Lee	2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Amendment submitted on 12/20/2010*.

2. ☒ The allowed claim(s) is/are *20 - 31, 33-36 renumbered 1 - 16*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date *12/23/2010*

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *2/28/2011* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/Andrew C Lee/ Examiner, Art Unit 2476	/Ayaz R. Sheikh/ Supervisory Patent Examiner, Art Unit 2476

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 12/23/2010 was filed,

and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly,

the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

2.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

3.   Authorization for this examiner's amendment was given in a telephone interview

with Mr. Leonidas Boutsikaris on 02/28/2011.

4.   The application has been amended as follows:

- Claim 20 has been amended as following:

20. (Currently Amended) A method of transmitting a recording comprising a
sequence of data packets, the method comprising:
a server commencing transmission of the recording over the network to a
receiver;
the receiver holding received data in a receiver buffer; and
at the server, a control unit:
analyzing the <u>entire said sequence of data packets</u> ~~recording in its entirety~~ to
determine where a point in the transmission of the recording is reached at which, if the
receiver were to commence decoding data already transmitted and held in said receiver
buffer, said receiver buffer would not underflow;

continuing transmission to the receiver,

wherein, said analyzing comprises analyzing the <u>entire said sequence of data</u> <u>packets</u> ~~recording in its entirety~~ to calculate for each of a plurality of first sections in the recording a maximum timing error value calculated as the maximum of the extent to which the transmission time of the respective following section of the recording exceeds its playing time interval for a following section of any length, wherein said point is determined as the end of the shortest first section that meets the condition that it covers a playing time interval greater than or equal to its respective maximum timing error value; and

causing the receiver to commencing playing of received data only after said first section has been received.

- Claim 35 has been amended as following

35. (Currently Amended) An apparatus arranged to transmit a recording comprising a sequence of data packets stored in a data store accessible by a server comprising a control unit and a transmitter over a network to a receiver comprising a receiver buffer, ~~wherein~~, <u>the apparatus comprising</u>:

<u>Said</u> <u>server comprising a control unit and a transmitter,</u>

<u>said</u> <u>receiver comprising a receiver buffer, wherein</u>

when the server commences transmission of the recording over the network to the receiver;

the receiver is arranged to hold received data in said receiver buffer, until at the server, the control unit: has analyzed the <u>entire said sequence of data packets</u> ~~recording in its entirety~~ to determine where a point in the transmission of the recording is reached at which, if the receiver were to commence decoding data already transmitted and held in said receiver buffer, said receiver buffer would not underflow;

wherein, the <u>entire said sequence of data packets</u> ~~recording in its entirety~~ is analyzed to calculate for each of a plurality of first sections in the recording a maximum timing error value calculated as the maximum of the extent to which the transmission

time of the respective following section of the recording exceeds its playing time interval for a following section of any length, wherein said point is determined as the end of the shortest first section that meets the condition that it covers a playing time interval greater than or equal to its respective maximum timing error value, wherein the receiver is caused to commence playing of received data after said first section has been received.

5.   The following is an examiner's statement of reasons for allowance:

The prior art made of record, in single or in combination, fails to disclose explicitly the limitations of:

"wherein, said analyzing comprises analyzing the entire said sequence of data packets to calculate for each of a plurality of first sections in the recording a maximum timing error value calculated as the maximum of the extent to which the transmission time of the respective following section of the recording exceeds its playing time interval for a following section of any length, wherein said point is determined as the end of the shortest first section that meets the condition that it covers a playing time interval greater than or equal to its respective maximum timing error value; and causing the receiver to commencing playing of received data only after said first section has been received." as disclosed in claim 20.

"wherein, the entire said sequence of data packets is analyzed to calculate for each of a plurality of first sections in the recording a maximum timing error value calculated as the maximum of the extent to which the transmission time of the respective following section of the recording exceeds its playing time interval for a following section of any length, wherein said point is determined as the end of the shortest first section that meets the condition that it covers a playing time interval greater than or equal to its respective maximum timing error value, wherein the receiver is caused to commence playing of received data after said first section has been received." As disclosed in claim 35.

6.   Additionally, all of the further limitations in claims 21 – 31, 33, 34, 36 are

allowable, since the claims are dependent upon independent claims, respectively.

7.   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew C. Lee whose telephone number is (571)272-

3131. The examiner can normally be reached on Monday through Friday from 8:30am -

5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/   /Ayaz R. Sheikh/
Examiner, Art Unit 2476<2Q11:03_09   Supervisory Patent Examiner, Art
                                                        Unit 2476